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JUN 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Strumolo et al.	:	
Application No. 10/065,505	:	DECISION ON PETITION
Filed: October 25, 2002	:	
Attorney Docket No. 202-0206 FAM	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 1, 2006, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is necessary.

On November 14, 2005, the Office mailed a Notice Regarding Drawings, which stated that the corrected drawings for the above-identified application received in the USPTO on October 25, 2002, were not acceptable. Applicants were given a two-month non-extendable period of time from the mailing date of the Notice to correct the informalities. In the absence of a timely filed reply, the application became abandoned on January 15, 2006. The Office mailed a Notice of Abandonment on April 6, 2006. On June 1, 2006, applicants submitted the present petition, 5 sheets of drawings (Figures 1-6), and an authorization to charge the petition fee to applicants' Deposit Account.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 114. In an application or patent, abandoned or lapsed for failure to

pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The present petition does not satisfy requirement (1) above.

On June 22, 2006, the Draftsperson issued a Notice of Draftsperson's Patent Review, stating that the drawings (Figures 1-6) filed on June 1, 2006, were objected to by the Draftsperson under 37 CFR 1.84(f). A copy of the Notice accompanies this decision.

Pursuant to the provision of 37 CFR 1.137(b)(1) and in accordance with 35 USC §§ 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Accordingly, **this application cannot be revived until applicants submits a renewed petition under 37 CFR 1.137(b) with corrected drawings in compliance with 37 CFR 1.84.**

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300 - Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review dated 12/15/2005